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Remarks

Claims 6, 7, and 9-13 have been cancelled. Claims 1-5 and 8 remain in the application. Reconsideration and allowance of these claims as now presented is respectfully requested.

In response to the Examiner's Restriction Requirement, Claims 6,7, and 9-13 have been cancelled. Elected Claims 1-5 and 8 remain in the application.

Applicant has repeatedly attempted to reach the Examiner in order to schedule a telephonic interview regarding the most recent Office Action dated August 28, 2006. Since no such interview was scheduled by the Examiner, Applicant submits the following points regarding the Examiner's understanding of the cited prior art.

Rejection of Claims Under 35 U.S.C. §102

Claims 1 and 8 stand rejected under 35 U.S.C. §102(b) as being anticipated by Calef (U.S. 309,437). The Examiner cited Calef '437 for anticipating each element recited in independent Claim 1. Applicant respectfully submits, however, that a key aspect of the presently claimed invention is not taught or disclosed by Calef '437. In particular, the Examiner asserts that a handle means (I) of Calef '437 has a pivot axis (line X-X in Figure 4) that is substantially perpendicular to a first axis of the tool. At page 6 of the August 28, 2006 Office Action, the Examiner explains his understanding of the "pivoting" characteristic of the handle (I) by noting that the handle of Calef '437 is "pivotally coupled via sleeve (G) to frame (B)". Such sleeve (G), however, rotates about the frame (B), and thus rotates about an axis of the frame (B) rather than an axis that is perpendicular to the frame, as is presently claimed.

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Cutline "X-X" illustrated in Figure 4 of Calef '437 is asserted by the Examiner to be a perpendicular pivot axis, but in fact is merely a sectional view cutline for reference to Figure 5 (see column 1 lines 19-22). Accordingly, cutline X-X does not indicate a pivot axis, nor does the sleeve (G) pivot about such an axis. In addition, nowhere does Calef '437 teach or suggest rotational movement of handle (I) with respect to sleeve (G). In fact, such relative movement would be undesired in Calef '437, due to the fact that such handle (I), in such circumstances, would fail to provide a stable platform from which to manipulate the tool.

The pivoting characteristic of the presently claimed handle means enables the handle means to selectively pivot from a first locked operating position to a second storage position, with the storage position allowing compact storage and display of the tool. This characteristic is described at page 9 line 30 – page 10 line 8 of the application as originally filed.

In view of the above, Calef '437 fails to teach or suggest the claim elements recited in independent Claim 1. Accordingly, the claim rejections based thereon should be withdrawn.

#### **Rejection of Claims Under 35 U.S.C. §103**

Claims 1-5 and 8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Calef '437 in view of McKittrick (U.S. 5,937,627). The McKittrick '627 patent, however, fails to cure the defects of Calef '437, as described above. In particular, McKittrick '627 fails to teach or suggest a handle that has any pivoting characteristic. Accordingly, the claim rejections based upon Calef '437 and McKittrick '627 should be withdrawn.

For the foregoing reasons, the claims as currently pending are believed to be unobvious and patentable over the cited prior art, whether taken alone or in combination. Applicant therefore submits that the pending claims are allowable on the merits. An early allowance is respectfully solicited.

Respectfully submitted,

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